

AN ACT
D.C. ACT 15-435

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2004

To establish a tax increment financing program for retail development in the District of Columbia.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retail Incentive Act of 2004".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Available Real Property Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the Home Rule Act, pledged to the payment of general obligation indebtedness of the District.

(2) "Available Sales Tax Revenues" means the revenues resulting from the imposition of the tax under Chapter 20 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code § 10-1202.08).

(3) "Bonds" means any bonds, notes, or other instruments issued by the District pursuant to section 490 of the Home Rule Act and secured by Tax Increment Revenues or other security authorized by this act.

(4) "CFO" means the Chief Financial Officer of the District of Columbia.

(5) "Downtown Retail Priority Area" means the record lots that front one of the following street locations: 7th Street, N.W., between Indiana and Massachusetts Avenues, N.W.; 11th Street, N.W., between Pennsylvania Avenue, N.W., and New York Avenue, N.W.; F Street, N.W., between 6th and 14th Streets, N.W.; and G Street, N.W., between 10th and 13th Streets, N.W., and includes portions of the following squares: 223, 224, 225, 252, 253, 254, 288, 289, 290, 319, 320, 321, 322, 346, 347, 348, 376, 377, 403, 406, 408.1, 428, 429, 430, 431,

452, 453, 454, 455, 456, 457, and 458.

(6) "Home Rule Act" means the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(7) "LSDBE" means a local, small, or disadvantaged business enterprise certified by the District of Columbia Local Business Opportunity Commission under the provisions of the Equal Opportunity for Local, Small and Disadvantaged Business Enterprises Act of 1998, effective April 27, 1999 (D.C. Law 12-268; D.C. Official Code § 2-217.01 *et seq.*).

(8) "Retail Development Project" means the establishment of a business engaged in direct onsite retail sales to consumers, including the following activities in connection with such business: acquisition, purchase, construction, reconstruction, improvement, renovation, rehabilitation, restoration, remodeling, repair, remediation, expansion, extension, and the furnishing, equipping, and opening for business. In the case of the Downtown Retail Priority Area, Retail Development Projects shall be limited to businesses engaged in sales of home furnishings, apparel, and general merchandise goods to specialized customers, and shall specifically exclude:

(A) Liquor stores, nightclubs, hotels, restaurants, banks, pharmacies, phone stores, and service retail outlets; and

(B) The relocation of a business to the Downtown Retail Priority Area from another location within the District, unless the relocation involves a significant expansion of the size of the business.

(9) "Retail Development Costs" means any costs associated with, arising out of, or incurred in connection with:

(A) A Retail Development Project;

(B) The issuance of, or debt service or any other payments in respect of, the Bonds, including costs of issuance, capitalized interest, credit enhancement fees, reserve funds, or working capital; or

(C) The relocation of any business where the purpose of the relocation is to make space for a Retail Development Project.

(10) "Retail Priority Area" means:

(A) The Downtown Retail Priority Area; and

(B) Any other area or areas of the District so designated by the Mayor and approved by the Council in accordance with this act.

(11) "Rules of Operation" means the rules and procedures, established by the Mayor pursuant to section 5, by which Retail Development Projects will be approved as TIF Areas and receive proceeds of Bonds to pay Retail Development Costs.

(12) "Tax Increment Revenues" means the portion of the Available Real Property Tax Revenues, Available Sales Tax Revenues, or both, allocable to one or more tax allocation funds pursuant to section 7.

(13) "TIF" means tax increment financing.

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(14) "TIF Act" means the Tax Increment Financing Act of 1998, effective September 11, 1998 (D.C. Law 12-84; D.C. Official Code § 2-1217.01 *et seq.*), or any successor act.

(15) "TIF Area" means a Retail Development Project that has been approved by the Mayor to receive proceeds of Bonds in accordance with the applicable Rules of Operation for the Retail Priority Area in which the Retail Development Project is located.

Sec. 3. Limitations on issuance of Bonds.

(a) Bonds shall not be issued pursuant to this act to the extent the issuance will cause the aggregate principal amount of Bonds issued pursuant to this act and the TIF Act to exceed \$300 million.

(b) Bonds shall not be issued pursuant to this act after December 31, 2013.

Sec. 4. Retail Priority Areas.

(a)(1) The Mayor shall identify areas within the District where:

(A) There exist barriers to entry that impede Retail Development Projects; and

(B) The proceeds of Bonds may be used to eliminate these barriers to entry and promote Retail Development Projects.

(2)(A) The Mayor may designate additional Retail Priority Areas by submitting to the Council for a 45-day period of review, excluding weekends, holidays, and periods of Council recess, a proposed resolution, which:

(i) Designates one or more Retail Priority Areas;

(ii) States the maximum aggregate principal amount of Bonds that may be issued with respect to each Retail Priority Area; and

(iii) States the latest date by which the Bonds may be issued with respect to each Retail Priority Area.

(B) In addition to the resolution, the Mayor shall submit to the Council information supporting the Mayor's determinations concerning the use of TIF to promote retail development in each Retail Priority Area, including findings of the CFO that the proposed Retail Priority Area is not inconsistent with the financial plan and budget for the fiscal year of the District and does not exceed the limitations set forth in section 3(a).

(C) If the Council does not approve or disapprove the proposed resolution within the 45-day period of review, excluding weekends, holidays, and periods of Council recess, the proposed resolution shall be deemed approved.

(b) In addition to Retail Priority Areas that may be approved pursuant to subsection (a) of this section:

(1) The Downtown Retail Priority Area is designated as a Retail Priority Area;

(2) The issuance of Bonds with respect to the Downtown Retail Priority Area, not to exceed the aggregate principal amount of \$30 million, is approved;

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(3) The latest date for the issuance of such Bonds is 4 years from the date that the Mayor establishes the Rules of Operation for the Downtown Retail Priority Area; and

(4) The base year for the calculation of Available Sales Tax Revenues shall be the fiscal year beginning October 1, 2002 and the base year for the calculation of Available Real Property Tax Revenues shall be the fiscal year beginning October 1, 2003.

(c) The Mayor shall prepare and deliver an annual report to the Council each year on January 1st through the year ending December 31, 2013. The annual report shall contain a listing and description of each Retail Development Project approved as a TIF Area pursuant to this act. Each listing shall contain specific information about the nature of the Retail Development Project, the use of the proceeds of the Bonds, the projected Tax Increment Revenues attributable to each listed TIF Area, and any other information the Council may request regarding such TIF Areas.

(d) If the Mayor determines that a Retail Priority Area is no longer necessary, the Mayor may abolish the Retail Priority Area; provided, that if any Bonds are outstanding with respect to any TIF Area therein, the Mayor shall take no action to abolish the Retail Priority Area or that otherwise will adversely affect the security of the holders of the Bonds.

(e) The Mayor shall identify potential Retail Priority Areas. Within 180 days of the effective date of this act, the Mayor shall submit to the Council resolutions designating as Retail Priority Areas the following areas:

- (1) Columbia Heights;
- (2) Georgia Avenue;
- (3) Minnesota/Benning;
- (4) Shaw; and
- (5) H Street, NE Corridor.

Sec. 5. Rules of Operation.

(a) Upon approval by resolution pursuant to section 4(a) with respect to any Retail Priority Area, or upon the effective date of this act in the case of the Downtown Retail Priority Area, the Mayor shall establish Rules of Operation with respect to each Retail Priority Area as the Mayor considers necessary or appropriate for:

(1) The approval and certification by the Mayor of Retail Development Projects within the Retail Priority Area as TIF Areas;

(2) The issuance of Bonds secured by the Tax Increment Revenues or any other security authorized by this act which is generated by or relates to the Retail Development Projects;

(3) The allocation of the proceeds of the Bonds to fund Retail Development Costs of the Retail Development Projects; and

(4) Such other matters as the Mayor considers necessary or appropriate to achieve the goals and objectives for the Retail Priority Area.

(b) The Rules of Operation for the Downtown Retail Priority Area shall include the

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following:

(1) A rating system designed to rank Retail Development Projects based on the following objective criteria:

(A) The likelihood of Bond repayment based on projected Tax Increment Revenues or any other security authorized by this act from or relating to the Retail Development Project;

(B) The uniqueness of the retailer;

(C) The likelihood that the retailer will attract other retailers to locate nearby;

(D) The position of the retailer in its market and whether the retailer is the first in its market to locate in the Downtown Retail Priority Area;

(E) The extent to which the retailer promotes the Downtown Retail Priority Area in its advertising;

(F) The vertical integration of the retailer;

(G) The intention of the retailer to locate on more than one level of the building in which it is located;

(H) Whether the retailer builds an expressive storefront;

(I) Whether the retailer is owned by a District resident or is based in the District;

(J) The amount of space occupied by the retailer; and

(K) Whether the retailer is one of multiple retailers that co-locate in the Downtown Retail Priority Area;

(2) A numeric formula based upon the foregoing rating system that, for any proposed Retail Development Project, will produce a dollar amount of proceeds of Bonds that shall be allocated to the Retail Development Project if it is approved as a TIF Area;

(3) The establishment of a committee comprised of the Mayor, retail brokers and property owners in the Downtown Retail Priority Area, and such other persons as the Mayor shall designate, which committee shall:

(A) Apply the rating system to proposed Retail Development Projects and review and revise the rating system from time to time as necessary to respond to market conditions;

(B) Adjust the formula for the allocation of Bond proceeds as may be necessary or appropriate to maximize the use of Bond proceeds to achieve the purposes of this act;

(C) Recommend Retail Development Projects for designation as TIF Areas to the Mayor; and

(D) Take such other actions as the Mayor may consider necessary or appropriate to facilitate the selection and funding of TIF Areas in the Downtown Retail Priority Area;

(4)(A) A procedure pursuant to which the Mayor shall certify:

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- (I) The rating of Retail Development Project, based upon the rating system;
- (ii) The amount of Bond proceeds that, based upon the allocation formula, may be allocated to Retail Development Projects; and
- (iii) Retail Development Projects as TIF Areas; and
- (B) The procedure shall permit the Mayor to suspend and re-institute from time to time the designation of TIF Areas pursuant to this act in response to market conditions;
- (5) A requirement that the owner of any building in which a TIF Area is located enter into a development agreement, satisfactory to the Mayor, that sets forth:
- (A) The goals and objectives for achieving the revitalization of retail development in the Downtown Retail Priority Area;
- (B) Requirements for the leasing of retail space in the building in a manner that will advance the goals and objectives;
- (C) The terms and conditions pursuant to which Bond proceeds will be advanced to pay Retail Development Costs incurred in connection with the TIF Area;
- (D) The owner's agreement to use good faith efforts to use LSDBEs to perform any construction work the cost of which is paid for or reimbursed by Bond proceeds;
- (E) The owner's agreement to require the retailer of the Retail Development Project to execute a first source agreement with the Department of Employment Services that establishes a goal of hiring District residents for at least 51% of the new jobs created by the Retail Development Project;
- (F) Such matters as may be required in connection with the issuance of the Bonds; and
- (G) Such other matters as the Mayor determines to be necessary or appropriate in connection with such TIF Area;
- (6) Requirements that Bonds shall not be issued with respect to any TIF Area and the proceeds of the Bonds shall not be advanced to pay Retail Development Costs until the TIF Area is open for business to the general public; and
- (7) Procedures and timetables for the approval of Retail Development Projects as TIF Areas that are designed to facilitate, and not impede, negotiations between building owners and retailers in the Downtown Retail Priority Area.
- (c) The Rules of Operation shall be uniformly applied within any given Retail Priority Area, but may vary across different Retail Priority Areas to address the specific needs of each Retail Priority Area. Notwithstanding anything to the contrary herein, the Rules of Operation shall provide that a Retail Development Project that, either directly or as part of a larger development project, has already received proceeds of Bonds through another TIF program shall not be designated a TIF Area under this act.

Sec. 6. Use of Bond proceeds; funding agreement.

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(a) When a Retail Development Project is certified as a TIF Area by the Mayor pursuant to this act, the proceeds of Bonds issued with respect to the TIF Area shall be used to pay Retail Development Costs and shall be subject to such terms, conditions, and requirements as the Mayor determines to be in the best interests of the District and will further the purposes of this act. The terms, conditions and requirements shall be included in an agreement entered into between the District and the recipient of the proceeds prior to the advance of the proceeds; provided, that, in the Downtown Retail Priority Area, Tax Increment Revenues or any other security authorized by this act shall be used for the payment of debt service on Bonds issued to Bondholders arranged by the recipient of the proceeds of the Bonds prior to the issuance of the Bonds and the proceeds of the Bonds shall be available to the recipient only after the issuance of a certificate of occupancy for the Retail Development Project. In the case of Bonds issued with respect to the Downtown Retail Priority Area, the recipient of the proceeds of the Bonds shall guarantee the Bonds.

(b) In the case of the Downtown Retail Priority Area, Tax Increment Revenues and the proceeds of Bonds may also be used to pay costs and expenses:

(1) Incurred in connection with the start-up and administration of a TIF program in the Downtown Retail Priority Area (including feasibility studies, market studies, and legal costs), and marketing the TIF program and the Downtown Retail Priority Area to prospective retailers; provided, that the amount expended pursuant to this paragraph shall not exceed \$1 million in the aggregate; and

(2) Of establishing, maintaining, and operating a program to support parking for customers of retail businesses in the Downtown Retail Priority Area and providing streetscape and facade improvements in the Downtown Retail Priority Area; provided, that the amount expended pursuant to this paragraph shall not exceed \$5 million in the aggregate.

Sec. 7. Allocation of Tax Increment Revenues.

(a) Within 60 days after the certification of a TIF Area by the Mayor, the CFO shall provide for the allocation of Tax Increment Revenues within each TIF Area. The CFO shall establish one or more separate tax increment allocation accounts within the General Fund of the District of Columbia for the deposit and application of Available Sales Tax Revenues and Available Real Property Tax Revenues from each TIF Area. Monies shall be transferred from such accounts at the times and in the amounts required pursuant to financing documents relating to any Bonds. Monies held or to be held in a tax allocation account may be used to (1) pay debt service on Bonds, (2) pay other costs due and payable under the applicable financing documents, and (3) to pay any other costs or expenses permitted by this act. Monies in a tax allocation account or in any fund or account established under any financing documents may be pledged as security for the payment of debt service on Bonds.

(b) Notwithstanding any other law, after a TIF Area has been certified by the Mayor, the portion of Tax Increment Revenues that results from the real property and sales tax levied within the TIF Area each year beginning from the date of the certification of the TIF Area shall

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be paid to the CFO for deposit into one or more of the tax increment accounts established by the CFO pursuant to subsection (a) of this section.

(c) If Bonds have been issued and are outstanding, the amounts, if any, remaining in the tax increment accounts for a TIF Area at the end of each tax year, after provision for the payment of debt service on any Bonds, any costs of credit or liquidity enhancement, other costs, fees, and expenses of administering, carrying, and paying the Bonds and the funds, trusts, and escrows pertaining to them, and providing for reasonably required reserves, all as provided in the financing documents, and after payment of any other costs or expenses permitted by this act, shall revert to the General Fund of the District of Columbia.

Sec. 8. Issuance of Bonds.

The issuance of Bonds, including any refunding Bonds, is authorized pursuant to section 490 of the Home Rule Act to finance Retail Development Costs of TIF Areas certified by the Mayor pursuant to this act. This act constitutes an act of Council authorizing the issuance of Bonds, including refunding Bonds, as required by section 490 of the Home Rule Act. The Bonds shall be secured by Tax Increment Revenues in amounts not to exceed the limits provided for in this act or other security authorized by this act. The issuance of Bonds, including any refunding Bonds in specified aggregate principal amounts, shall be approved by the Mayor in accordance with this act.

Sec. 9. Details of Bonds.

(a) The Mayor may take any action necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, and payment of Bonds, including determinations of:

- (1) The final form, content, designation, and terms of the Bonds, including a determination that the Bonds may be issued in certificate or book entry form;
- (2) The principal amount of the Bonds to be issued and denominations of the Bonds;
- (3) The rate or rates of interest or the method for determining the rate or rates of interest on the Bonds;
- (4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the Bonds, and the maturity date or dates of the Bonds;
- (5) The terms under which the Bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;
- (6) Provisions for the registration, transfer, and exchange of each series of Bonds and the replacement of mutilated, lost, stolen, or destroyed Bonds;
- (7) The creation of any reserve fund, sinking fund, or other fund with respect to the Bonds;
- (8) The time and place of payment of the Bonds;

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(9) Procedures for monitoring the use of the proceeds received from the sale of the Bonds to ensure that they are properly applied to their respective eligible project and used to accomplish the purposes of this act; and

(10) Actions necessary to qualify the Bonds under blue sky laws of any jurisdiction where the Bonds are marketed.

(b) The Bonds shall contain a legend, which shall provide that the Bonds shall be special obligations of the District, shall be nonrecourse to the District, shall not be a pledge of, and shall not involve, the faith and credit or the taxing power of the District (other than the Tax Increment Revenues or any other security authorized by this act), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The Bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor. The Mayor's execution and delivery of the Bonds shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the same.

(d) The official seal of the District, or facsimile of it, shall be impressed, printed, or otherwise reproduced on the Bonds.

(e) The Bonds may be issued at any time or from time to time in one or more issues and in one of more series.

Sec. 10. Security for Bonds.

(a) A series of Bonds may be secured by a trust agreement or trust indenture between the District and a corporate trustee having trust powers, or secured by a loan agreement or other instrument giving power to a corporate trustee by means of which the District may do the following:

(1) Make and enter into any and all covenants and agreements with the trustee or the holders of the Bonds that the District may determine to be necessary or desirable covenants and agreements as to:

(A) The application, investment, deposit, use, and disposition of the proceeds of Bonds and the other monies, securities, and property of the District;

(B) The assignment by the District of its rights in any agreement;

(C) Terms and conditions upon which additional Bonds of the District may be issued;

(D) Providing for the appointment of a trustee to act on behalf of bondholders and abrogating or limiting the rights of the bondholders to appoint a trustee; and

(E) Vesting in a trustee for the benefit of the holders of Bonds, or in the bondholders directly, such rights and remedies as the District shall determine to be necessary or desirable;

(2) Pledge, mortgage or assign monies, agreements, property or other assets of the District, either presently in hand or to be received in the future, or both;

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(3) Provide for bond insurance and letters of credit, or otherwise enhance the credit of and security for the payment of the Bonds; and

(4) Provide for any other matters of like or different character that in any way affect the security for or payment of the Bonds.

(b) Bonds are declared to be issued for essential public and governmental purposes. The Bonds and the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the Bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(c) The District does hereby pledge to and covenant and agree with the holders of any Bonds that, subject to the provisions of the financing documents, the District will not limit or alter the revenues pledged to secure the Bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the Bonds, will not in any way impair the rights or remedies of the holders, and will not modify in any way the exemptions from taxation provided for in this act, until the Bonds, together with interest thereon, with interest on any unpaid installment of interest and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders, are fully met and discharged. This pledge and agreement of the District may be included as part of the contract with the holders of any of its Bonds. This subsection shall constitute a contract between the District and the holders of the Bonds authorized by this act. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(d) Consistent with section 490(a)(4)(B) of the Home Rule Act and, notwithstanding Article 9 of Title 28 of the District of Columbia Official Code:

(1) A pledge made and security interest created in respect of any Bonds or pursuant to any related financing document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract, or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document, or instrument relating to the security interest is recorded or filed.

Sec. 11. Default.

If there shall be a default in the payment of the principal of, or interest on, any Bonds of a series after the principal or interest shall become due and payable, whether at maturity or upon call for redemption, or if the District shall fail or refuse to carry out and perform the terms of any agreement with the holders of any of the Bonds, the holders of the Bonds, or the trustee appointed to act on behalf of the holders of the Bonds, may, subject to the provisions of the financing documents, do the following:

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(1) By action, writ, or other proceeding, enforce all rights of the holders of the Bonds, including the right to require the District to carry out and perform the terms of any agreement with the holders of the Bonds or its duties under this act;

(2) By action, require the District to account as if it were the trustee of an express trust;

(3) By action, petition to enjoin any acts or things that may be unlawful or in violation of the rights of the holders of the Bonds; and

(4) Declare all the Bonds due and payable, whether or not in advance of maturity and, if all the defaults be made good, annul the declaration and its consequences.

Sec. 12. Liability.

(a) The members of the Council, the Mayor, or any person executing Bonds shall not be liable personally on the Bonds by reason of the issuance thereof.

(b) Notwithstanding any other provision of this act, the Bonds shall not be general obligations of the District and shall not be in any way a debt or liability of the District within the meaning of any debt or other limit prescribed by law. The full faith and credit or the general taxing power of the District (other than the Tax Increment Revenues or other security authorized under this act) shall not be pledged to secure the payment of any Bonds.

Sec. 13. Prior legislation.

This act shall not adversely affect any actions taken, agreements entered into, pledge of security made or Bonds issued prior to the effective date of this act.

Sec. 14. Promulgation of rules and regulations.

The Mayor shall promulgate rules and regulations setting forth the criteria and procedures necessary to implement the provisions of this act.

Sec. 15. Construction.

This act shall be liberally construed to effect the purposes stated herein.

Sec. 16. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 21, 2004

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AN ACT
D.C. ACT 15-436

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 25, 2004

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To amend, on an emergency basis, Title 28 of the District of Columbia Official Code to authorize the Department of Consumer and Regulatory Affairs to require the owner of a multi-family dwelling, upon written request by a rental tenant or owner-occupant of that dwelling, to order a lead level test of the tap water of a unit in the dwelling belonging to neither the owner nor to an employee of the owner within 10 calendar days of receiving the written request, to provide a written copy of the water test results to the individual who requested the test and to any rental tenant or owner-occupant of the dwelling who requests a copy, to conspicuously post the results on the premises, and to establish a penalty for failure to comply with the provisions of this act.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Water Lead Level Test Emergency Act of 2004".

Sec. 2. Chapter 39 of Title 28 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation "28-3912. Water lead level testing of multi-family dwelling requirements." after the section designation "28-3911".

(b) A new section § 28-3912 is added to read as follows:

"28-3912. Water lead level testing of multi-family dwelling requirements.

"(a) Pursuant to the authority vested in the Department by section 28-3903(9), the Director shall require the owner of a multi-family dwelling to order a water test kit from the

Water and Sewer Authority ("WASA") to sample the tap water in the building for the presence of lead within 10 calendar days of a written request to do so by a rental tenant or owner-occupant of the building. The owner shall order a water lead level test kit for each rental tenant and owner-occupant who requests a test, to a maximum of 10% of the units or 15 units, whichever is less.

"(b) Within 10 calendar days of receiving the water test kit from WASA, the owner

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shall:

"(1) Collect first-draw and second-draw samples of the tap water in each unit being tested, pursuant to the instructions provided by WASA with the kit. The sample shall be collected from a unit that is neither the owner's unit nor a unit occupied by a person employed by the owner, in the presence of an individual who occupies the unit, whose name and address shall be provided to WASA along with the water samples; and

"(2) Submit the samples to WASA for testing.

"(c) WASA shall mail the results of the water lead level test to both the building owner and to the individual who occupies the unit in which the water samples were collected and whose name and address were provided pursuant to subsection (b) of this section.

"(d) Within 10 calendar days of receiving the water lead level test results from WASA, the building owner shall provide a written copy of the test results to the individual who requested the test and to any rental tenant or owner-occupant of the building who requests a copy of the test results, and shall also post the test results in a conspicuous place on the premises.

"(e) Failure of an owner to comply with the provisions of this act following the initial written request shall be punishable by a fine of \$100 for each day of noncompliance.

"(f) For the purposes of this section, the term:

"(1) "Multi-family dwelling" means a building containing 2 or more dwelling units of rental tenants, or owner-occupants or rental tenants of a condominium or cooperative, which are associations of owners, shareholders, or members organized and incorporated in accordance with Chapter 9 of Title 29.

"(2) "Owner" includes an owners' association that is a group legally incorporated in accordance with Chapter 9 of Title 29 that is the recognized representative of the households in a condominium or cooperative housing building."

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

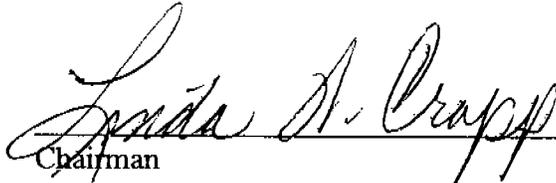
Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 21, 2004

**COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT**

Bill Number:	Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported:
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Subject/Short Title: The "Residential Water Lead Level Test Emergency Act of 2004"

Part I: Summary of the Fiscal Impacts of the Bill		
	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	(X)
b) It will affect federal expenditures.	()	(X)
c) It will affect private/other expenditures.	()	(X)
d) It will affect intra-District expenditures.	()	(X)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	(X)
b) It will impact federal revenue.	()	(X)
c) It will impact private/other revenue.	()	(X)
d) It will impact intra-District revenue.	()	(X)
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
Explanation: This bill will have no or minimal fiscal impact because it would not affect the District budget.		

Part II: Other Impacts of the Bill		
	YES	NO
If you check "Yes" for each question, please explain on separate sheet, if necessary.		
1. It will affect an agency and/or agencies in the District.	()	(X)
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? Owners of multi-family residential dwellings in the District would have no requirement to test the building's tap water for excessive lead levels.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year?	()	(X)

Sources of information:	Councilmember: Carol Schwartz
Council staff:	Staff Person & Tel: Andrew Gerst (202) 727-8272
	Council Budget Director's Signature: <i>ATA ROJA</i> 4/29/04

ENROLLED ORIGINAL

AN ACT
D.C. ACT 15-437

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2004

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2004 Fall
 Supp.

West Group
 Publisher

To amend, on an emergency basis, the Advisory Commission on Sentencing Establishment Act of 1998 to rename the commission the District of Columbia Sentencing Commission and to require the commission to assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system recommended by the commission; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Advisory Commission on Sentencing Structured Sentencing System Pilot Program Emergency Amendment Act of 2004".

Sec. 2. The Advisory Commission on Sentencing Establishment Act of 1998, effective October 16, 1998 (D.C. Law 12-167; D.C. Official Code § 3-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 3-101) is amended as follows:

(1) The section heading is amended by striking the phrase "Advisory Commission on Sentencing" and inserting the phrase "District of Columbia Sentencing Commission" in its place.

(2) Subsection (a) is amended by striking the phrase "Advisory Commission on Sentencing" and inserting the phrase "District of Columbia Sentencing Commission" in its place.

(b) Section 6 (D.C. Official Code § 3-105) is amended by adding a new subsection (e) to read as follows:

"(e) The Commission shall assist the Superior Court of the District of Columbia in implementing, as a pilot program, the comprehensive structured sentencing system that was recommended by the Commission pursuant to subsection (d) of this section. No later than December 1, 2006, the Commission shall submit to the Council its final recommendation on the comprehensive structured sentencing system."

Sec. 3. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 406(b)(19) (D.C. Official Code § 1-604.06(b)(19)) is amended by striking the phrase "Advisory Commission Sentencing" in both places it appears and inserting the phrase "District of Columbia Sentencing Commission" in its place.

(b) Section 903(a)(6C) (D.C. Official Code § 1-609.03(a)(6C)) is amended by striking the phrase "Advisory Commission on Sentencing" inserting the phrase "District of Columbia

Note,
 § 3-101

Note,
 § 3-105

Note,
 § 1-604.06

Note,
 § 1-609.03

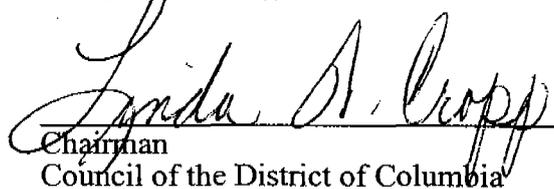
Sentencing Commission" in its place.

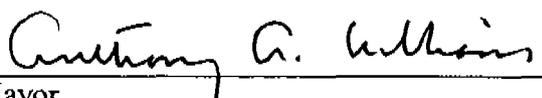
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report of the Advisory Commission on Sentencing Structured Sentencing System Pilot Program Amendment Act of 2004, passed on 1st reading on May 4, 2004 (Engrossed version of Bill 15-711), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
May 21, 2004

Master Sentencing Grid, 11/30/2003

Ranking group and Most Common Offenses	Criminal History				
	0 to .5 A	.75 to 1.75 B	2 to 3.75 C	4 to 5.75 D	6+ E
Group 1 1st degree murder w/armed 1st degree murder	720 360	720 360	720 360	720 360	+ 360
Group 2 2nd degree murder w/ armed 2nd degree murder 1st degree sex abuse 1st degree sex abuse w/ armed	288 144	300 156	312 168	324 180	+ 192
Group 3 Voluntary manslaughter w/ armed 1st degree child sex abuse Carjacking while armed Assault with intent to kill w/armed Armed burglary I	180 90	192 102	204 114	216 126	+ 138
Group 4 Aggravated assault w/ armed Voluntary manslaughter	120 48	132 60	144 72	156 84	+ 96
Group 5 Possession of firearm /CV Armed robbery Burglary I Obstruction of justice Assault with intent to kill	84 36	96 48	108 60	120 72	+ 84
Group 6 ADW Robbery Aggravated assault 2nd degree child sex abuse Assault with intent to rob		66 24	72 30	78 36	+ 42
Group 7 Burglary II 3rd degree sex abuse Negligent homicide Assault w/l to commit mayhem			48 24	54 30	+ 36
Group 8 (Old Group 7) CPWOL UUV Attempt robbery Attempt burglary 1st degree theft				36 18	+ 22
New Group 9 Escape/prison breach BRA Receiving stolen goods Uttering Forgery					+ 9

Yellow/Light shaded cells are probation and short split sentence permissible.
Green/Dark shaded cells are short split sentence permissible.

Drug Sentencing Grid, 11/30/2003 Ranking group and Most Common Offenses	Criminal History							
	0 to .5 A	.75 to 1.75 B	2 to 3.75 C	4 to 5.75 D	6+ E			
Group 1 PWID while armed Distribution while armed	30	72	42	84	90	54	+	
Group 2 PWID and Distribution of Cocaine, Heroin, Marijuana	12	30	16	36			28	+
Group 3 Attempt PWID and Distribution of Cocaine, Heroin, Marijuana Obtain Narcotics by Fraud	6	15	10	22			22	+

Yellow/Light shaded cells are probation and short split sentence permissible.
Green/Dark shaded cells are short split sentence permissible.

AN ACT
D.C. ACT 15-438

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2004

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend Chapter 10 of Title 47 of the District of Columbia Official Code to exempt from taxation certain real property of the American College of Cardiology and the American College of Cardiology Foundation.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "American College of Cardiology and the American College of Cardiology Foundation Real Property Tax Exemption Act of 2004".

Sec. 2. Chapter 10 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"§ 47-1059. American College of Cardiology and American College of Cardiology Foundation."

(b) A new section 47-1059 is added to read as follows:

"§ 47-1059. American College of Cardiology and American College of Cardiology Foundation.

"Property owned, occupied, and used by the American College of Cardiology and the American College of Cardiology Foundation, is hereby exempt from all taxation so long as the property continues to be so owned and occupied, and not used for commercial purposes, subject to the provisions of § 47-1002 and § 47-1007, providing for exemption of certain real properties."

Sec. 3. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

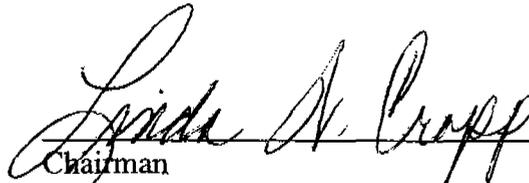
New Section
§ 47-1059

Sec. 4. Fiscal impact statement.

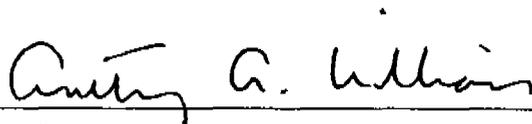
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 21, 2004

AN ACT

D.C. ACT 15-439

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 13, 2004

To amend, on an emergency basis, section 2717 of Title 18 of the District of Columbia Municipal Regulations to provide limited free and unrestricted parking for disabled individuals with handicapped parking placards or tags issued by the District of Columbia or any other jurisdiction.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Individuals with Disabilities Parking Reform Emergency Amendment Act of 2004".

Sec. 2. Section 2717 of Title 18 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 2717.1 is amended to read as follows:

"2717.1 An individual holding a valid special parking permit for the physically disabled, or its equivalent, issued by any state, territory, or possession of the United States, who is not a resident of the District of Columbia shall be granted the special parking privilege established under this chapter. The Director of the District Department of Transportation is authorized to determine the times, dates, and locations that permit holders who are not District of Columbia residents shall be granted the special privilege established under this chapter."

(b) Add a new subsection 2717.3 to read as follows:

"2717.3 Between May 25, 2004 and June 2, 2004, a vehicle bearing a valid parking permit for the physically disabled, or its equivalent, issued by any state, territory, or possession of the United States shall be permitted to park, as a District resident's vehicle with a physically disabled permit is permitted, without incurring parking violations, in any legal parking space in the District of Columbia."

Sec. 3. Fiscal impact statement.

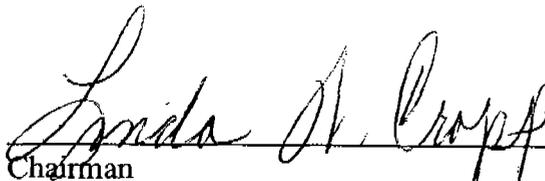
The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

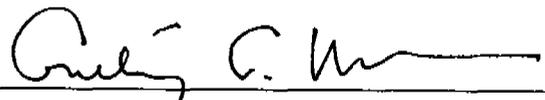
JUN 11 2004

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
May 13, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Type: Emergency (<input checked="" type="checkbox"/>) Temporary (<input type="checkbox"/>) Permanent (<input type="checkbox"/>)	Date Reported: May 2004
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Subject/Short Title: "World War II Memorial Events Disabled Veterans Parking Fine Moratorium Emergency Amendment Act of 2004"

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(x)
a) It will affect local expenditures.	()	(x)
b) It will affect federal expenditures.	()	(x)
c) It will affect private/other expenditures.	()	(x)
d) It will affect intra-District expenditures.	()	(x)
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	(x)	()
a) It will impact local revenue.	()	(x)
b) It will impact federal revenue.	()	(x)
c) It will impact private/other revenue.	()	(x)
d) It will impact intra-District revenue.	()	(x)

Explanation:

The emergency legislation would allow vehicles bearing a valid parking permit for the physically disabled, or its equivalent, issued by any state, territory or possession of the United States to park, without incurring parking violations, at any available curb space in the District of Columbia so long as the vehicle is not parked in violation of a loading zone, rush hour, firehouse, fire plug limitation or space specifically reserved for other vehicles between the dates of May 25, 2004 (12:00 a.m.) and June 2, 2004 (11:59 p.m.). In FY 2003 actual revenues derived from parking meters averaged \$53,000 per day. The maximum potential total cost to the District of Columbia would be \$424,000, assuming that individuals who are disabled would utilize all available parking spaces (meter) in the District of Columbia.

3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(x)	()
<p>The bill would have a fiscal impact. However, funds are available in FY 2004 to cover the potential revenue that would be lost. The Financial Plan, which is pending before the Council of the District of Columbia, indicates an operating surplus of 62,578,000 in FY 2004. The potential loss in revenue can be covered by the District's surplus.</p>		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The proposed legislation would directly affect the Department of Motor Vehicles and the Department of Transportation. It would also affect the District's potential revenues generated from parking meters.	(x)	()
2. Are there performance measures/output for this bill?	()	(x)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? Veterans that have served the United States in World War II will be traveling to the District of Columbia to witness and participate in ceremonies that are associated with the newly constructed World War II Memorial. These individuals are not knowledgeable of the District's rules regarding handicapped parking, especially those governing the time, dates and locations of such designated parking. This information is largely unknown to our disabled visitors prior to their arrival, and may remain unknown even if special exceptions are determined by the Department of Transportation. These individuals, who have sacrificed so much for their country deserve to receive consistent and time appropriate information to assist them with this issue and that will not result in them being ticketed, while visiting our city for this memorable occasion.	(x)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? The proposed legislation would not authorize unbudgeted expenses.	(x)	()
The bill would have a fiscal impact. However, funds are available in FY 2004 to cover the potential revenue that would be lost. The Financial Plan, which is currently pending before the Council of the District of Columbia, indicates an operating surplus of \$62,578,000 in FY 2004. The potential loss in revenue can be covered by surplus dollars.	(x)	()

Sources of information: Staff	Councilmember: Vincent B. Orange, Sr.
	Staff Person & Tel: Donna M. Cooper (202) 724-8035
	Council Budget Director's Signature: <i>[Handwritten Signature]</i>

5/4/04

AN ACT
D.C. ACT 15-440

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2004

Codification
District of
Columbia
Official Code

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend, on an emergency basis, the National Capital Revitalization Act of 1998 to clarify the procedures by which the National Capital Revitalization Corporation may exercise its eminent domain authority, and to approve the exercise of eminent domain authority by the National Capital Revitalization Corporation or the RLA Revitalization Corporation in the Skyland area.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Emergency Amendment Act of 2004".

Sec. 2. The National Capital Revitalization Act of 1998, effective September 11, 1998 (D.C. Law 12-144; D.C. Official Code § 2-1219.01 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 2-1219.01) is amended as follows:

(1) A new paragraph (30A) is added to read as follows:

“(30A) “Project area” means a geographic area designated by the Corporation, by a majority vote of the Board, for which the Corporation has developed a site and use plan, which shall include the following elements:

“(A) The reasons for the designation of the area;

“(B) A description of the area, which shall include:

“(i) The total number of square feet or acres within the area;

“(ii) A map of the area that identifies the property; and

“(iii) A description of the physical and economic

conditions existing in the area;

“(C) A description of the development proposed by the Corporation for the area, including:

“(i) A description of the buildings, other structures, parks, public spaces, or public amenities to be constructed or rehabilitated; and

“(ii) A description of the uses to be located on the site; and

“(D) A description of how the development or developments in the project area will improve or alleviate the conditions described in subparagraph (B)(iii) of this paragraph.”.

(2) A new paragraph (36A) is added to read as follows:

“(36A) “Slum area” means an area where there is a predominance of buildings

Note,
§ 2-1219.01

ENROLLED ORIGINAL

or improvements, whether residential or nonresidential, which are impaired or substandard by reason of dilapidation, deterioration, age, or obsolescence which:

“(A) Contribute to physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime; and

“(B) Endanger life or property by fire or other causes.”

(b) Section 8(b) (D.C. Official Code § 2-1219.07(b)) is amended by striking the phrase “shall be conducted” and inserting the phrase “shall be conducted pursuant to the following procedures and” in its place.

Note,
§ 2-1219.07

(c) Section 20 (D.C. Official Code § 2-1219.19) is amended as follows:

Note,
§ 2-1219.19

(1) Subsection (a) is amended as follows:

(A) The introductory language is amended as follows:

(i) Add the phrase “; provided, the declaration of taking may be signed by the chief executive officer of the Corporation” after the phrase “16-1316”.

(ii) Strike the phrase “to be a” and insert the phrase “to be” in its place.

(B) Paragraphs (1), (2), (3), and (4) are amended to read as follows:

“(1) A redevelopment district;

“(2) A project area;

“(3) A blighted area or slum area;

“(4) A blighted area, slum area, or substandard area within the meaning of the Redevelopment Act;”

(C) New paragraphs (5) and (6) are added to read as follows:

“(5) An area subject to an urban renewal or redevelopment plan; or

“(6) An area subject to a neighborhood development plan.”

(2) Subsection (b) is amended by striking the phrase “any exercise of eminent domain powers that is approved by an affirmative vote of the Corporation shall be submitted to the Council” and inserting the phrase “the Corporation shall submit to the Council a resolution to approve the exercise of eminent domain powers” in its place.

(3) A new subsection (c) is added to read as follows:

“(c) Notwithstanding the second or last sentence of subsection (a) of this section and notwithstanding subsection (b) of this subsection the Council, finding that the properties below are necessary and desirable for the public use, approves the exercise of eminent domain by the National Capital Revitalization Corporation or the RLA Revitalization Corporation for the following parcels and lots and squares: Square 5632, Lot 1; Square 5632, Lot 2; Square 5632, Lot 3; Square 5632, Lot 4; Square 5632, Lot 5; Square 5632, Lot 802; Square 5633, Lot 800; Square 5633, Lot 801; Square 5641, Lot 0010; Square 5641, Lot 0011; Square 5641, Lot 0012; Square 5641, Lot 0012; Square 5641, Lot 0891; Square 5641N, Lot 0012; Square 5641N, Lot 0013; Square 5641N, Lot 0014; Square 5641N, Lot 0015; Square 5641N, Lot 0016; Square 5641N, Lot 0017; Square 5641N, Lot 0018; Square 5641N, Lot 0019; Square 5641N, Lot 0020; Square 5641N, Lot 0021; Square 5641N, Lot 0022; Square 5641N, Lot 0023; Square 5641N, Lot 0024; Square 5641N, Lot 0025; Square 5641N, Lot 0026; Square 5641N, Lot 0027; Square 5641N, Lot 0028; Square 5641N, Lot 0029; Square 5641N, Lot 0030; Square 5641N, Lot 0031; Square 5641N, Lot 0033; Parcel 02130052; Parcel 02130060; Parcel 02130061; Parcel 02140062; Parcel 02140088; Parcel 02140104; Parcel 02140182; Parcel 02140187; Parcel 02140189; Parcel 02140190; and Parcel 02140196 and for any other parcel located within the geographic area bounded by a line beginning at a point at the intersection of the northerly line of

ENROLLED ORIGINAL

Good Hope Road, S.E., with the northerly line of Alabama Avenue, S.E., and running thence Northwesterly along said line of Good Hope Road, S.E., extended, to intersect a point on the east line of Naylor Road, S.E.; thence Northwesterly along said line of Naylor Road, to a point at the northwesterly corner of Lot 801 in Square 5633; thence Northeasterly along the northerly line of said lot & square, to a point at the westernmost corner of Parcel 213/52; thence continuing northeasterly along the northerly line of said Parcel 213/52, to a point at the southwesterly corner of Parcel 213/60; thence northwesterly along the arc of a curve, deflecting to the right, along the westerly line of said Parcel 213/60, to a point at the northernmost corner of said Parcel 213/60; thence Southeasterly along the easterly lines of said Parcels 213/60 and 213/52, to a point at the northwesterly corner of Lot 33 in Square North of Square 5641; thence Easterly along the north property lines of said Lot 33, and Lots 16 through 31, both inclusive, in Square North of Square 5641, to a point at the northeast corner of said Lot 31 in said square; thence South along the east line of said Lot 31 in said square, to a point at the southeast corner thereof; thence Westerly along the south lines of said Lots 31, 30, 29, 28, 27, 26, 25, 24, 23 and 22 in said square, to a point at the southwest corner of said Lot 22, to intersect a line drawn Northwesterly from the northeast corner of Lot 12 in Square North of Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 12 in said square, to a point at the southeast corner thereof, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 13 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 13 in said square, to a point at the southeast corner thereof; thence Southwesterly along the south property lines of Lots 13 and 12 in Square 5641, to a point that intersects a line drawn Northwesterly from the northeast corner of Lot 819 in Square 5641; thence Southeasterly along said line drawn and the east line of said Lot 819 in said square, to a point at the southeast corner of said Lot 819 in said square, on the north line of Alabama Avenue, S.E.; and thence southwesterly along the arc of a circle, deflecting to the right, along said line of Alabama Avenue, to the point of beginning.

Sec. 3. Fiscal impact statement.

The Council adopts the attached fiscal impact statement as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

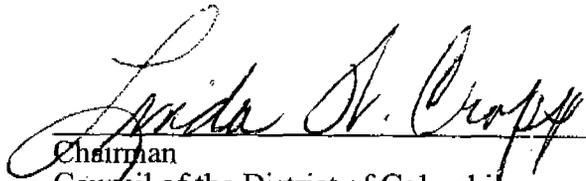
Sec. 4. Effective date.

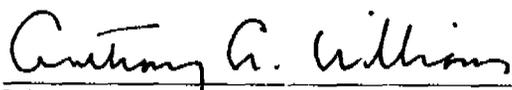
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto) and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

JUN 11 2004

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).


Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED
May 21, 2004

COUNCIL OF THE DISTRICT OF COLUMBIA
OFFICE OF THE BUDGET DIRECTOR FISCAL IMPACT STATEMENT

Bill Number: 15-752	Type: Emergency () Temporary () Permanent (X)	Date Reported: May 2004
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Subject/Short Title: National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Amendment Act of 2004

Part I. Summary of the Fiscal Estimates of the Bill

	YES	NO
1. It will impact spending. (If "Yes," complete Section 1 in the Fiscal Estimate Worksheet).	()	(X)
a) It will affect local expenditures.	()	()
b) It will affect federal expenditures.	()	()
c) It will affect private/other expenditures.	()	()
d) It will affect intra-District expenditures.	()	()
2. It will impact revenue. (If "Yes," complete Section 2 in the Fiscal Estimate Worksheet).	()	(X)
a) It will impact local revenue.	()	()
b) It will impact federal revenue.	()	()
c) It will impact private/other revenue.	()	()
d) It will impact intra-District revenue.	()	()
3. The bill will have NO or minimal fiscal impact. (If "Yes," explain below).	(X)	()
The legislation would authorize the National Capital Revitalization Corporation or the RLA Revitalization Corporation to exercise eminent domain authority to implement the Skyland shopping center redevelopment project. The legislation does not require any expenditures; it merely provides authority to these agencies to take certain actions.		

Part II. Other Impact of the Bill

If you check "Yes" for each question, please explain on separate sheet, if necessary.

	YES	NO
1. It will affect an agency and/or agencies in the District. The legislation would authorize the National Capital Revitalization Corporation or the RLA Revitalization Corporation to exercise eminent domain authority to implement the Skyland shopping center redevelopment project. The legislation does not require either agency to exercise the authority.	(X)	()
2. Are there performance measures/output for this bill?	()	(X)
3. Will it have results/outcome, i.e., what would happen if this bill is not enacted? By authorizing NCRC and/or RLARC to exercise eminent domain for the Skyland shopping center redevelopment project, the legislation will allow this long-awaited project to move forward.	(X)	()
4. Are funds appropriated for this bill in the Budget and Financial Plan for the current year? Because the legislation merely authorizes certain actions, but does not require any actions or expenditures, no additional funds need to be appropriated at this time.	(X)	()

Sources of information:	Councilmember: Harold Brazil
	Staff Person & Tel: Barry Kreiswirth 724-8792
	Council Budget Director's Signature: <i>ATLANTA</i>